

REMARKS

Claims 11, 12, 15, and 20 have been amended. Claims 1-4, 6-10, and 12-20 remain.

Claim 11 was withdrawn. Claim 5 is canceled.

The applicants would like to express their gratitude to the Examiner for the courtesies extended to their undersigned attorney during the telephone interview of October 25, 2006. The discussion during the interview is incorporated into these Remarks. In particular, it was agreed that the above amendments to the specification, abstract and claims, and the enclosed replacement Figure 8, overcome all of the rejections and objections in the Office Action. The minor changes to the preambles of claims 15 and 20 were not discussed during the interview. It is believed that they do not affect the agreements reached as a result of the interview.

In addition, the applicants again request reinstatement of withdrawn claim 11. Claim 1, identified as generic in the Office Action of June 15, 2005, remains generic to claim 11. Since claim 1 is now patentable, claim 11 is likewise patentable. Reinstatement of claim 11 is therefore again requested pursuant to the terms of the election requirement of June 15, 2005.

The following points are discussed in the order in which they were covered in the telephone interview of October 25, 2006.

Figure 8 and Accompanying Description in Specification

The Examiner indicated during the interview that the above changes to paragraph 0050 (shown relative to the version presented in the Amendment of March 30, 2006) and the accompanying replacement Figure 8 would overcome the objections at pages 2 and 4-6 of the Office Action to the previous versions of Figure 8 and paragraph 0050. (Note that revised paragraph 0050 refers to rotor blades 26', to address the drawing objection at page 5 of the Office Action.)

Figures 10A & 10B and Accompanying Descriptions in Specification

Beginning first with the paragraphs added to the specification in connection with new Figures 10A and 10B, the Examiner indicated during the interview that the above changes to paragraphs 0051.1 and 0051.2 (shown relative to the versions presented in the Amendment of March 30, 2006) would address the comments at page 6 of the Office Action regarding the alleged introduction of new matter by the previous versions of those paragraphs.

In addition, the Examiner also agreed that the structure depicted in Figures 10A and 10B is supported by the following disclosure in original paragraph 0051:

In addition, the airfoils comprising the blades of the stator (or counter-rotating impeller) can be varied by changing geometric properties other than turning angle [as shown in FIGURE 3]. For example, the blades' airfoil configuration (such as camber, chord length, etc.), the spacing between adjacent blades, and other properties can be controlled in the manner discussed above to periodically effect the increased lift associated with delayed stall. (emphasis supplied)

Other Objections and Rejections

The applicants have changed paragraph 0060 as suggested at page 6 of the Office Action.

The applicants have amended claim 11 in response to the comments at pages 3-4 of the Office Action:

The applicants have amended claim 12 in response to the rejection under 35 U.S.C. § 112, second paragraph (page 7 of the Office Action).

The applicants have amended the Abstract of the Disclosure by changing "said" to --the-- at line 10, as requested at page 6 of the Office Action.

The Examiner indicated during the interview that these changes would address all of the remaining formal objections and the rejection under 35 U.S.C. § 112, second paragraph.

Prior Art Rejections

Independent claim 15 was rejected under 35 U.S.C. § 102 as being anticipated by any one of three references. The references applied in these rejections were (a) U.K. Patent 2,032,048, (b) Dickinson et al., "Wing Rotation and the Aerodynamic Basis of Flight," Science, Vol. 284, June 18, 1999, pp. 1954-60.12, and (c) Bandyopadhyay et al., "A Biometric Propulsor for Active Noise Control: Experiments," NUWC-NPT Tech. Rept. 11,351, NAVSEA Naval Undersea Warfare Center (NUWC) Division, Newport, RI, March 2002, pp. 1-15.

As the rejections are understood, the Examiner read the references as disclosing a cascade of airfoil cross-section lifting elements inherently having an inlet into which fluid is directed. Be that as it may, it is clear that none of the references discloses a method that includes providing a device for directing the fluid into an inlet of the cascade.

Accordingly, the applicants believe that the method recited in claim 15 clearly distinguishes over the references used in the rejection. The Examiner indicated his agreement in the interview.

Double Patenting.

During the interview, the Examiner agreed that the double patenting rejection over claim 9 of copending application No. 10/702,272 should be withdrawn pursuant to the practice set out in M.P.E.P. § 804, para. I.B(i). That is, since the double patenting rejection is now the only rejection in the application, and application No. 10/702,272 has not yet issued, the Examiner indicated that he will withdraw this rejection and permit the present application to issue.

Renewed Petition to Expunge

Information in response to a Requirement for Information in the previous Office Action was submitted with the Amendment of March 20, 2006, in a separate envelope filed under seal

pursuant to M.P.E.P. § 724.02. The Response included a Petition to Expunge the Response to Requirement for Information and the enclosed proprietary materials under 37 C.F.R. § 1.59(b) and M.P.E.P. § 724.05. The Petition was accompanied by a check for \$200 to cover the fee for the Petition under 37 C.F.R. § 1.17(g).

The applicants agreed in the Response, and agree again here, to retain for the life of any patent issuing on the present application the information that the petition requested be expunged.

The Examiner has confirmed that none of the information submitted with the Response to Requirement for Information “is important to a reasonable examiner in deciding whether to allow the application to issue as a patent.” M.P.E.P. § 724.04(a)(B).

However, during the interview, the Examiner stated that the Petition to Expunge should be part of the public record of the present application, and the applicants therefore renew the Petition in this publicly available Amendment After Final Rejection in accordance with the Examiner’s suggestion. The Examiner indicated that the Petition would be granted and that no additional fee would be required.

Summary

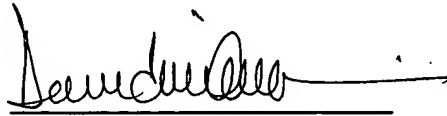
In accordance with the comments of the Examiner during the interview of October 25, 2006, the applicants believe that this Amendment After Final Rejection and the accompanying Submission of Corrected Drawing respond to all of the points raised in the Office Action, and that claims 1-4 and 6-20 are patentable.

Any fees associated with this Amendment should be charged to Deposit Account No. 50-0409.

The applicants' undersigned attorney may be reached by telephone at (609) 921-8660.

All correspondence should continue to be directed to the below listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "David M. Quinlan", written over a horizontal line.

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